

FIFTY-SEVENTH DAY

(CONTINUED)

THURSDAY, APRIL 28, 2005

PROCEEDINGS

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Van de Putte.

SENATOR ANNOUNCED PRESENT

Senator Williams, who had previously been recorded as "Absent-excused," was announced "Present."

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

April 28, 2005

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 574, Relating to requirements for the issuance of land development permits by political subdivisions.

(Committee Substitute/Amended)

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 6

House Conferees: Hupp - Chair/Davis, John/Goodman/Talton/Uresti

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on passage to engrossment or third reading, suspension of the Constitutional Three-day Rule, and final passage are indicated after each caption. All Members are deemed to have voted "Yea" on viva voce votes unless otherwise indicated.

HB 67 (Madla on behalf of Van de Putte)

Relating to designating August 26 as Women's Independence Day.
(viva voce vote) (31-0) (31-0)

HB 423 (Eltife)

Relating to the online availability of certain state publications.
(viva voce vote) (31-0) (31-0)

HB 1657 (Averitt)

Relating to the administration by the Texas Water Development Board of certain water-related programs financed by federal funds.
(viva voce vote) (31-0) (31-0)

HB 1815 (Barrientos)

Relating to term limitations for members of boards of certain metropolitan rapid transit authorities.
(viva voce vote) (31-0) (31-0)

CSSB 93 (Shapleigh)

Relating to a manifest system to record the transportation of certain liquid wastes.
(viva voce vote) (31-0) (31-0)

CSSB 132 (Nelson)

Relating to goals and strategies concerning the number of graduates from professional nursing education programs.
(viva voce vote) (31-0) (31-0)

SB 362 (Carona)

Relating to certain condominium owners' right to redeem real property following certain foreclosure sales.
(viva voce vote) (31-0) (31-0)

SB 532 (Shapiro)

Relating to tuition for a student registered in a public junior college.
(viva voce vote) (31-0) (31-0)

SB 601 (Madla on behalf of Van de Putte)

Relating to importing prescription drugs for use in state-funded programs that provide health care services or benefits.

(viva voce vote) (31-0) (31-0)

SB 784 (Shapleigh)

Relating to the acceptance by the Texas Commission on Environmental Quality of certain emissions reductions in exchange for other emissions reductions.

(viva voce vote) (31-0) (31-0)

SB 825 (Shapleigh)

Relating to the TexasOnline Authority's use of TexasOnline revenue.

(viva voce vote) (31-0) (31-0)

SB 957 (Williams)

Relating to the powers and duties of the Texas Department of Licensing and Regulation.

(viva voce vote) (31-0) (31-0)

CSSB 962 (Shapiro)

Relating to state assistance for school district instructional facilities.

(viva voce vote) (31-0) (31-0)

SB 982 (Madla on behalf of Van de Putte)

Relating to certain practices to improve energy conservation in state buildings.

(viva voce vote) (31-0) (31-0)

CSSB 1000 (Madla)

Relating to the regulation of the practice of nursing.

(viva voce vote) (31-0) (31-0)

CSSB 1011 (Harris)

Relating to restrictions on and reporting of certain expenditures by registered lobbyists.

(viva voce vote) (31-0) (31-0)

SB 1013 (Harris)

Relating to the use of private legal counsel by certain hospital districts.

(viva voce vote) (31-0) (31-0)

SB 1026 (Madla)

Relating to hospital and medical care required to be provided by the Maverick County Hospital District.

(viva voce vote) (31-0) (31-0)

SB 1027 (Madla)

Relating to the authority of the board of directors of the Maverick County Hospital District to employ health care providers.

(viva voce vote) (31-0) (31-0)

CSSB 1045 (Janek)

Relating to insurance or other coverage in lieu of a bond requirement for officers, employees, and consultants of certain conservation and reclamation districts.

(viva voce vote) (31-0) (31-0)

CSSB 1063 (Staples)

Relating to the rates of certain retail public utilities.

(viva voce vote) (31-0) (31-0)

SB 1081 (Ellis)

Relating to recycling market development.

(viva voce vote) (31-0) (31-0)

CSSB 1125 (Hinojosa)

Relating to the establishment and operation of multicounty drug task forces and to the disposition of certain contraband seized by those task forces.

(viva voce vote) (29-2) Estes, Fraser "Nay" (29-2) Estes, Fraser "Nay"

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes, Fraser.

CSSB 1133 (Hinojosa)

Relating to posting notice online of the meetings of certain governmental bodies.

(viva voce vote) (31-0) (31-0)

CSSB 1173 (Armbrister)

Relating to the regulation of a perpetual care cemetery and the sale of interment rights in a mausoleum before completion of construction.

(viva voce vote) (31-0) (31-0)

CSSB 1186 (Nelson)

Relating to the effect that certain orders relating to family violence and certain decisions regarding military service have on residential leases; providing civil penalties.

(viva voce vote) (31-0) (31-0)

CSSB 1192 (Estes)

Relating to stamps for migratory and upland game bird hunting; providing a penalty.

(viva voce vote) (31-0) (31-0)

CSSB 1195 (Hinojosa)

Relating to the authority of peace officers to conduct certain searches.

(viva voce vote) (29-2) Estes, Staples "Nay" (29-2) Estes, Staples "Nay"

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Estes, Staples.

SB 1238 (Madla)

Relating to the creation of a public nuisance by the failure to properly maintain a drainage easement.

(viva voce vote) (31-0) (31-0)

SB 1250 (Brimer)

Relating to appointments to the Tobacco Settlement Permanent Trust Account Investment Advisory Committee.

(viva voce vote) (31-0) (31-0)

SB 1255 (Brimer)

Relating to the number of alcoholic beverage licenses that may be issued for a single location.

(viva voce vote) (31-0) (31-0)

SB 1271 (Jackson)

Relating to fees for licenses issued by the Parks and Wildlife Department.

(viva voce vote) (31-0) (31-0)

(Senator Hinojosa in Chair)**CSSB 1273** (Jackson)

Relating to the establishment of the Texas Farmland and Ranchland Conservation Program.

(viva voce vote) (31-0) (31-0)

CSSB 1281 (Armbrister)

Relating to the regulation and permitting of a commercial industrial solid waste facility connected to a publicly owned treatment works facility.

(viva voce vote) (31-0) (31-0)

CSSB 1328 (Nelson)

Relating to the privacy of protected health information.

(viva voce vote) (31-0) (31-0)

CSSB 1331 (Nelson)

Relating to certain temporary wine and beer retailer's permits.

(viva voce vote) (31-0) (31-0)

SB 1341 (Madla)

Relating to the functions of the Texas Department of Housing and Community Affairs.

(viva voce vote) (31-0) (31-0)

CSSB 1354 (Estes)

Relating to the protection of water quality in watersheds threatened by quarry activities; establishing a pilot program in a certain portion of the Brazos River watershed; providing penalties.

(viva voce vote) (31-0) (31-0)

CSSB 1395 (Shapiro)

Relating to the establishment of high school diploma programs by Job Corps training programs under the United States Department of Labor.

(viva voce vote) (31-0) (31-0)

CSSB 1408 (Estes)

Relating to wage claim disputes.

(viva voce vote) (31-0) (31-0)

SB 1425 (Gallegos)

Relating to the filing of an affidavit of inability to pay in appealing a small claims court judgement.

(viva voce vote) (31-0) (31-0)

CSSB 1428 (Duncan)

Relating to the establishment of a statewide maintenance program for boll weevil and pink bollworm eradication.

(viva voce vote) (31-0) (31-0)

CSSB 1446 (Averitt)

Relating to public school admission and enrollment.

(viva voce vote) (31-0) (31-0)

SB 1448 (Averitt)

Relating to the applicability of certain laws relating to portability of certain health benefit coverage provided to school district employees.

(viva voce vote) (31-0) (31-0)

SB 1471 (Whitmire)

Relating to consumer gifts and prizes in connection with the marketing of alcoholic beverages.

(viva voce vote) (31-0) (31-0)

SB 1472 (Whitmire)

Relating to services provided by manufacturers and distributors of beer to beer retailers.

(viva voce vote) (31-0) (31-0)

CSSB 1510 (Averitt)

Relating to the liability of a nonprofit management contractor of county hospital authorities.

(viva voce vote) (31-0) (31-0)

SB 1532 (Averitt)

Relating to the eligibility of certain educational employees to participate or be enrolled in certain group health benefit programs.

(viva voce vote) (31-0) (31-0)

SB 1569 (Williams)

Relating to audits of state agency expenditures to recover overpayments and lost discounts.

(viva voce vote) (31-0) (31-0)

SB 1587 (Carona)

Relating to certain foreclosure notice requirements.

(viva voce vote) (31-0) (31-0)

SB 1603 (Estes)

Relating to the recovery of certain costs associated with certain civil suits by the Parks and Wildlife Department.

(viva voce vote) (31-0) (31-0)

SB 1621 (Lindsay)

Relating to the tax rate for emergency services districts located in certain populous counties.

(viva voce vote) (31-0) (31-0)

CSSB 1626 (Whitmire)

Relating to petition requirements for ordering a local option election to legalize or prohibit the sale of alcoholic beverages.

(viva voce vote) (31-0) (31-0)

CSSB 1674 (Barrientos)

Relating to the authority of the Barton Springs-Edwards Aquifer Conservation District to charge certain fees.

(viva voce vote) (31-0) (31-0)

SB 1680 (Jackson)

Relating to the repeal of the Agriculture Resources Protection Authority.

(viva voce vote) (31-0) (31-0)

CSSB 1686 (Estes)

Relating to the interagency work group on rural issues.

(viva voce vote) (31-0) (31-0)

CSSB 1710 (Staples)

Relating to outdoor burning under the Texas Clean Air Act.

(viva voce vote) (31-0) (31-0)

SB 1769 (Harris)

Relating to administrators of certain hospital districts.

(viva voce vote) (31-0) (31-0)

CSSB 1787 (Duncan)

Relating to the designation and duties of the state historian.

(viva voce vote) (31-0) (31-0)

CSSB 1815 (Armbrister)

Relating to reimbursement under the workers' compensation system for certain surgical assistants.

(viva voce vote) (31-0) (31-0)

SB 1830 (Zaffirini)

Relating to the continuation of the quality assurance fee applicable to intermediate care facilities for persons with mental retardation.

(viva voce vote) (31-0) (31-0)

SB 1831 (Lucio on behalf of Hinojosa)

Relating to the creation of the Corpus Christi Aquifer Storage and Recovery Conservation District; granting the power of eminent domain.

(viva voce vote) (31-0) (31-0)

SB 1841 (West)

Relating to appointing certain recipients of housing assistance as commissioners of public housing authorities.

(viva voce vote) (31-0) (31-0)

SB 1851 (Madla)

Relating to the expansion of the East Medina County Special Utility District and the composition of the district's board of directors.

(viva voce vote) (31-0) (31-0)

SB 1853 (Madla)

Relating to the distribution of assessments charged by Bexar-Medina-Atascosa Counties Water Control and Improvement District No. 1.

(viva voce vote) (31-0) (31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Ellis and Senator Harris requested in writing that **HB 762** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Harris requested in writing that **HB 965** be removed from the Local and Uncontested Calendar.

Senator Fraser and Senator Ogden requested in writing that **SB 142** be removed from the Local and Uncontested Calendar.

Senator Staples and Senator Harris requested in writing that **SB 386** be removed from the Local and Uncontested Calendar.

Senator Seliger and Senator Harris requested in writing that **SB 956** be removed from the Local and Uncontested Calendar.

Senator Harris, author of the bill, requested in writing that **SB 1009** be removed from the Local and Uncontested Calendar.

Senator Harris, author of the bill, requested in writing that **SB 1010** be removed from the Local and Uncontested Calendar.

Senator Harris, author of the bill, requested in writing that **SB 1161** be removed from the Local and Uncontested Calendar.

Senator Staples and Senator Harris requested in writing that **SB 1190** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 8:33 a.m. adjourned until 11:00 a.m. today.